

To:
Pratt, Sarah <SPratt@atg.state.il.us>;
You replied on 10/1/2014 2:23 PM.
Mrs. Pratt,

I have received the Request for Review, 2014 PAC 27598, in which the PAC has determined that the College of DuPage did not violate FOIA when they refused to provide the W-2 form for Dr. Breuder.

I understand the PAC has determined that the "personal financial information" is exempt under section 7 (1) (b) of FOIA and therefore the W-2 is exempt.

I am asking that the PAC reconsider its determination in that the controlling paragraph of Section 7 specifically states that:

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

This means that:

- if I request records containing information that is exempt under section 7 and its subparagraphs to include 7 (1)(b), and,
- also contains information that is not exempt, then,
- the public body MAY ELECT to redact the exempt information, but,
- the public body SHALL make the remaining information available to the requester.

Any exemptions are subject to the those requirements.

Considering the IRS Form W-2 contains BOTH public and private financial information the remaining must be provided according to the controlling requirements of the claimed exemption.

The items considered private information include things like the amount of taxes withheld because a person may be able to figure out the number of claimed dependents based on that information. Other things like the SSN and home address are obviously private in this circumstance.

The remaining information is not private financial information based on the fact that the public body is the employer and he is paid with public funds. Employee

compensation and employee retirement paid from public funds are in fact public information.

Specifically, for the following boxes on the W-2:

- a. SSN (redact)
- b. Employer identification number
- c. Employer's name, address, and ZIP code
- d. Control number
- e. Employee's first name and initial - Last name - Suff.
- f. Employee's address and ZIP code (REDACT)

- 1. Wages, tips, other compensation
- 2. Federal income tax withheld (REDACT)
- 3. Social security wages
- 4. Social security tax withheld (REDACT)
- 5. Medicare wages and tips
- 6. Medicare taxes withheld (REDACT)
- 7. Social security tips
- 8. Allocated tips
- 9. ?
- 10. REDACT
- 11, 12, and 14 REDACT depending in what is provided
- 13. Retirement plan
- 14. ?
- 15, 16, 18, 20. Provide all of it
- 17 and 19. REDACT

Thanks for promptly reconsidering this request for review.

Please also reply promptly so I can determine whether or not to exercise Section 11 of the Act.

John Kraft

